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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,659	03/17/2004	William Charles Collard	COLLARD ET AL.- 1	2658

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EXAMINER

SUHOL, DMITRY

ART UNIT PAPER NUMBER

3714

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/708,659	COLLARD ET AL.	
	Examiner	Art Unit	
	Dmitry Suhol	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-21 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-9, 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 8-9, there is no antecedent basis for "said front cover".

Regarding claim 16, the claim is improperly depended upon itself.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon '521. Solomon discloses a device containing most of the elements of the claims including with reference to claim 1, a book (11), a container coupled to the book (pocket 41) and a puppet coupled to the book (puppet 21). A string, as required by claim 2, is shown as string (27). At least one additional puppet and at least one string, as required by claim 15, are shown as additional puppets (22-26) and strings (27).

Solomon may fail to teach that his puppets are of a finger puppet type as required by claim 1, however Solomon does teach that his puppets can be a variety of puppet types (col. 3, lines 3-6). Therefore it would have been obvious to one having ordinary skill in the art at the time of the claimed invention to have manufactured the puppets of Solomon as finger puppet type puppets.

Regarding claim 8, Solomon teaches a front cover with a front and back face (figure 2, cover having pocket 41) with a container being in the form of a pouch (pocket 41) coupled to a face of the cover (figure 2). Solomon fails to teach the pouch on the inside face of the front cover. However, it would have been obvious to place the pouch/pocket of Solomon on the inside portion of the front cover, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon '521 in view of Cabrera et al '028. Although Solomon uses a string to couple his puppet to a book, the reference fails to teach the use of a cable, a cord or a flexible elastic as required by claims 3, 4, 5, respectively. However Cabrera teaches that it is known to couple a book to a puppet using a string, cable or cord (col. 4, lines 47-51). Therefore it would have been obvious to utilize any of the above coupling means to attach the puppet and book of Solomon since all of the above attachment means are known equivalents. Furthermore, the use of any of the above attachment means is considered to be a design choice since applicants do not disclose any critical need or

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advantage to any particular attachment means (see applicants specification, page 5, paragraph 0016).

Claims 1-2, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akira (JP 2003-071152) in view of Solomon '521 or Cabrera '028. Akira discloses a book containing most of the elements of the claims including with reference to claim 1, a book (1), a container coupled to the book (2), a puppet that can be stored in the container (3). A front cover and back cover (inherent in a book) and spine (2) with the container being disposed in the spine of the book, as required by claim 6, is shown in figure 1. A container having a substantially cylindrical shape, as required by claim 7, is described in the abstract.

Akira lacks the teaching of a puppet coupled to the book (via a string as required by claim 2) as required by claim 1. However, Solomon discloses a book, puppet and container combination, which teaches that it is known to couple a puppet (21) to a book (11) via a string (27), while Cabrera also discloses a book (50) coupled to a puppet (107) through the use of a string, cable and cord (155, described in col. 4, lines 47-51). Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, to have provided a string coupling connection between the finger puppet and book of Akira for the purpose of further securing the puppet to the book.

Claims 1, 9-10, 13-14, 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma '456 in view of Cabrera '028. Gemma discloses a device for telling stories containing most of the elements of the claims including with respect to claim 1, a book (11), a container coupled to the book (box 1) and a finger puppet (8 and 10). The puppet being in the form of a glove containing at least two finger puppets, as required by claim 13, is shown as glove (4) in figure 4 and in finger puppets (10) in figure 3. Puppets relating to a story from the book, as required by claim 14, are described in col. 3, lines 46-49. An extension in the form of a stage, as required by claim 16, is shown as stage 13 in figure 1. A stage comprising a bottom section, at least one side and a top section, as required by claim 17, is shown in figure 1. A book comprising a front and back cover, as required by claims 19 and 20, is inherent in the book and wherein the stage is coupled to the front and back cover of the book, as also required by claims 19 and 20, is described in col. 3, lines 62-64 (where the stage is considered to be coupled to the front cover through the back cover of the book). A plurality of curtains with at least one curtain coupled to one side section of the stage, as required by claim 18, is shown in figures 1 and 2. A top and bottom section of the stage having folds thereon is shown in figures 1 and 2, where the top stage portion 32 inherently has a fold which allows it to open and close while the bottom portion has a fold between portions 19 and 20 which creates a fold over as shown in figures 1 and 2.

Gemma fails to teach a puppet coupled to the book via a line as required by claim 1. However, Cabrera discloses a book and puppet combination where a book (50) is coupled to a puppet (107) through the use of a line (155). Therefore it would have

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been obvious to one having ordinary skill in the art, at the time of the claimed invention, to have provided a string coupling connection between the finger puppet and book of Gemma for the purpose of securing the puppet to the book.

Allowable Subject Matter

Claims 11 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

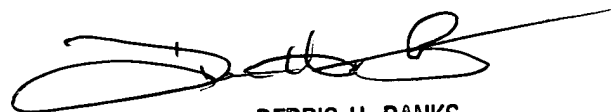
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-273-4430. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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